

# STATE OF ALASKA

## DEPARTMENT OF FISH AND GAME

### DIVISION OF HABITAT

SEAN PARNELL, GOVERNOR

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Palmer, AK 99645-6736  
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#### SPECIAL AREA PERMIT FH-11-IV-GP14-SA

ISSUED: January 1, 2011  
EXPIRES: December 31, 2011

General Public:

Re: Willow Mountain Critical Habitat Area - Off-Road Vehicle Use

In response to public need for access within the Willow Mountain Critical Habitat Area (WMCHA), the Alaska Department of Fish and Game, Division of Habitat has determined that both the public interest and the proper protection of fish and wildlife and their habitats would be served through issuance of a General Permit authorizing the use of off-road motorized vehicles less than 1,000 pounds dry vehicle weight in the WMCHA. The dry weight of a vehicle is the weight of the vehicle without passengers and cargo, as specified by the manufacturer. The off-road use of any vehicle in excess of 1,000 lbs dry weight is not authorized under this General Permit. Please contact (907) 861-3200 for more information.

The WMCHA was created pursuant to AS 16.20.500 to protect and preserve fish and wildlife habitat. In accordance with 5 AAC 95.770, the Division of Habitat hereby approves the operation of any wheeled, tracked, or other ground effect motorized vehicle (including snow machines) weighing less than 1,000 pounds dry weight subject to the following stipulations:

1. From April 1 to November 30, authorized vehicles shall operate only on designated trails for the purpose of personal transit or recreation. See enclosed map for designated trail locations.
2. From December 1- March 31 vehicles may operate on all refuge land provided there is at least a twelve inch (12") snow cover and sufficient ground frost to prevent the disturbance of the soil surface or plant roots. In addition, ice cover on wetlands or other water bodies must be of sufficient thickness to support the weight-bearing load of the off-road vehicle. In the absence of sufficient snow cover and ground frost, vehicles (including snowmachines) shall operate only on designated trails.
3. No vehicles shall be serviced and no vehicles leaking fuel, oil, hydraulic fluid, or other pollutants shall be operated in the WMCHA.
4. Harassment of wildlife, including any activity that displaces wildlife, is prohibited, excepting legal and permitted hunting, fishing, and gathering of fish and game.
5. Vehicle use shall not restrict public access to and use of fish and wildlife resources.
6. No vehicle shall be operated in the open waters below the ordinary high water line (vegetation line) of any river, lake, or stream specified to contain anadromous fishes.
7. No material of any kind, including vehicles, waste products, debris, supplies, or equipment shall be stored or disposed of within the WMCHA.

Users of the area are reminded that food, garbage, and other wastes should be stored in predator-proof containers prior to final and proper disposal in order to avoid attracting bears and other scavengers. Also, camping or otherwise occupying state lands in the WMCHA for more than 14 consecutive days is prohibited.

The vehicle owner and the operator are responsible for actions of all persons who participate in the approved activity. For any activity that significantly deviates from this approval, the responsible party shall notify the Division of Habitat, at the above letterhead address or telephone number, and obtain written approval in the

January 1, 2011

form of an individual Special Area Permit before beginning the activity. Any action taken by the permittee or an agent of the permittee that increases the overall scope of the activity or that negates, alters, or minimizes the intent or effectiveness of any stipulation contained in this permit will be deemed a significant deviation from the approved plan. The final determination as to the significance of any deviation and the need for a permit amendment is the responsibility of the Division of Habitat. Therefore, it is recommended that the Division of Habitat, be consulted immediately when a deviation from the approved activity is being considered.

This letter constitutes a General Permit issued under the authority of 5 AAC 95. Please be advised that this approval does not relieve you of the responsibility for securing other permits: state, federal, or local.

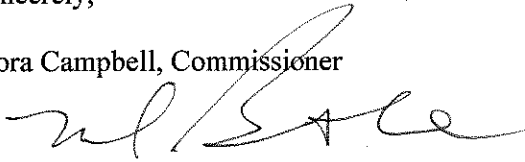
In addition to the penalties provided by law, this General Permit may be terminated or revoked for failure to comply with its provisions or with applicable statutes and regulations. The permittee shall mitigate any adverse effect upon fish or wildlife, their habitat, or any restriction or interference with public use, which the commissioner determines may be expected to result from, or which actually results from, the permittee's activity, or which was a direct result of the permittee's failure to: 1) comply with a permit condition or a provision of 5 AAC 95; or 2) correct a condition or change a method foreseeably detrimental to fish and wildlife, or their habitat.

The recipient of this permit (the responsible party or the permittee) shall indemnify, save harmless, and defend the department, its agents, and its employees from any and all claims, actions, or liabilities for injuries or damages sustained by any person or property arising directly or indirectly from permitted activities or the permittee's performance under this General Permit. However, this provision has no effect if, and only if, the sole proximate cause of the injury is the Division of Habitat's negligence.

Pursuant to 5 AAC 95.920, an interested person may initiate an appeal of a decision made under this chapter in accordance with the provisions of AS 44.62.330-44.62.630 by requesting a hearing under AS 44.62.370.

Sincerely,

Cora Campbell, Commissioner



By: Michael L. Bethe, Area Manager  
Division of Habitat

Enclosure: Area Map

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cc: T. Oleck, AWT	M. Agnew, AWT	D. Massie, AWT	E. Weiss, WC
A. Ott, Habitat	A. Oels, WC	S. Ivey, SF	M. Fink, Habitat
J. Meehan, WC	T. Kavalok, WC	C. Cox, DMLW	S. Lee, MSB
R. Guertin, MSB	M. Daigneault, Habitat	D. Hill, WC	R. Price, SF
R. Piorkowski, SF	G. O'Doherty, SF		

004W

003W

002W

001W

# Willow Mountain Critical Habitat Area



WILLOW MOUNTAIN  
CHA Boundary

Designated and Approved  
ORV Trails



Roads



Map Produced by  
State of Alaska  
Dept. of Fish and Game  
December 2009

0 1 2 4 Miles

022N

022N

021N

021N

020N

020N

019N

019N

004W

003W

002W

001W

Mile 5.5

Mile 14.6

Mile 19.3

Willow Fishhook Rd

Willow Mountain